

**Meeting Minutes**  
**Meeting of March 12, 2009**

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, March 12, 2009, in Hearing Room One, Ten Franklin Square, New Britain, Connecticut. The meeting was called to order with a quorum present by Daniel F. Caruso at 2:04 p.m.

**Council Members Present:**

Judge Daniel F. Caruso  
Chairman  
Brian Golembiewski  
(designee for Commissioner McCarthy)  
Gerald J. Heffernan  
(designee for Commissioner Downes)

Colin C. Tait  
Vice Chairman  
Barbara Currier Bell  
Daniel P. Lynch, Jr.  
Philip T. Ashton.  
Edward S. Wilensky

**Council Members Absent:**

James J. Murphy, Jr.

**Staff Members Present:**

S. Derek Phelps  
Executive Director  
Fred O. Cunliffe  
Supervising Siting Analyst  
Melanie Bachman  
Staff Attorney  
Christina Walsh  
Siting Analyst

Robert D. Mercier  
Siting Analyst  
David Martin  
Siting Analyst  
Michael Perrone  
Siting Analyst

**Recording Secretary:**

Carriann Mulcahy

**Minutes of February 19, 2009.**

Dr. Bell moved to approve the minutes of February 19, 2009, seconded by Mr. Golembiewski. The motion passed with Mr. Heffernan, Mr. Ashton and Mr. Wilensky abstaining.

**Minutes of March 3, 2009.**

Mr. Ashton moved to approve the minutes of March 3, 2009, seconded by Mr. Wilensky. The motion passed with Mr. Heffernan abstaining.

**DOCKET NO. 187 - PDC-El Paso Milford LLC (a.k.a. Milford Power, LLC) Certificate of Environmental Compatibility and Public Need: Reopening pursuant to Connecticut General Statutes (CGS) § 4-181a (b), that permits an agency to consider whether changed conditions exist, and then consider whether such changes, if any, justify reversing or modifying the Council's original decision dated January 8, 1999. Draft Findings of Fact.**

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Tait, Mr. Ashton, Mr. Heffernan, Mr. Golembiewski, Mr. Lynch, and Mr. Wilensky, in favor of modifying the original Decision and Order, with Dr. Bell abstaining.

Chairman Caruso directed staff to draft an Opinion and a modified Decision and Order to be reviewed at the next meeting.

Mr. Tait moved that the Council order a fifteen percent cap on the usage of potable water, with an annual report on the operations. Also, in one year, the Council would like a report on alternative measures to reduce the use of potable water. The motion was seconded by Mr. Ashton. The motion passed with Dr. Bell abstaining.

**DOCKET NO. 225 - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of an Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut. Development and Management Plan - Revision 7.**

Mr. Wilensky moved to approve the revision to the Development and Management Plan with the condition that Kleen Energy retains an environmental consultant to conduct sweeps of the construction area for the eastern box turtle. The motion was seconded by Mr. Heffernan. The motion passed unanimously.

**DOCKET NO. 331 - Sprint Nextel Corporation Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 836 Foxon Road, East Haven, Connecticut. Development and Management Plan. Transfer of Certificate. Request for Extension.**

Mr. Ashton moved to approve the Transfer of Certificate, seconded by Mr. Heffernan. The motion passed unanimously.

Mr. Ashton moved to approve the Extension for twelve months, until May 5, 2010. The motion was seconded by Dr. Bell. The motion passed unanimously.

**DOCKET NO. 338 – Sprint Nextel Corporation Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 160 West Street, Cromwell, Connecticut. Transfer of Certificate. Request for Extension.**

Mr. Ashton moved to approve the Transfer of Certificate, seconded by Mr. Heffernan. The motion passed unanimously.

Mr. Ashton moved to approve the Extension for twelve months, until June 4, 2010. The motion was seconded by Dr. Bell. The motion passed unanimously.

**DOCKET NO. 360 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 188 Route 7 South, Falls Village (Canaan), Connecticut. Draft Findings of Fact, Conclusions of Law, Opinion, and Decision and Order.**

Mr. Heffernan moved to approve the draft Findings of Fact, Conclusions of Law, Opinion, and Decision and Order, as amended, seconded by Mr. Ashton. The motion passed unanimously.

Chairman Caruso requested a written vote on the record with Dr. Bell, Mr. Tait, Mr. Golembiewski, Mr. Lynch, Mr. Heffernan, Mr. Ashton, Mr. Wilensky, and Chairman Caruso in favor of the proposed telecommunications facility.

**DOCKET NO. 370 - The Connecticut Light and Power Company application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consist of (1) The Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby, and Suffield, or potentially including an alternate portion that traverses the municipalities of Suffield and Enfield, terminating at the North Bloomfield Substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut. Motion for Protective Order.**

Mr. Ashton moved to table this item, seconded by Dr. Bell. The motion passed unanimously.

**DOCKET NO. 374 – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 199 Town Farm Road, Farmington, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.**

Mr. Ashton moved to remove this item from the table, seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Ashton moved to approve the application as complete, the schedule for processing the docket as per staff recommendations, the appointment of Lisa Fontaine as custodian of the docket, the deposition of the transcript in the Towns of Farmington and Avon, and a public field review and hearing in Farmington on Thursday, May 14, 2009; seconded by Dr. Bell. The motion passed unanimously.

**PETITION NO. 879 - Youghioghney Communications-Northeast, LLC d/b/a Pocket Communications petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to an existing telecommunications facility located at 117 Washington Street, North Haven, Connecticut. Decision.**

Mr. Ashton moved to approve this petition, seconded by Mr. Golembiewski. The motion passed unanimously.

Mr. Heffernan stated, for the record, that he has a relative (daughter), who is employed by Pocket Communications. However, he clarified that she is associated only with the marketing business of the company and not the infrastructure development business over which the Council has jurisdiction. He also stated, affirmatively, that he has no direct financial interest in the company.

**PETITION NO. 885 - Omnipoint Communications, Inc. (T-Mobile) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the extension of an existing telecommunications facility located at 115 Industrial Park Road, New Hartford, Connecticut. Decision.**

Mr. Tait moved to approve this petition, seconded by Mr. Ashton. The motion passed unanimously.

**PETITION NO. 886 – American Tower Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing telecommunications facility located at 15 Miner Lane, Waterford, Connecticut. Decision.**

Mr. Heffernan moved to table this item, seconded by Mr. Lynch. The motion passed unanimously.

**PETITION NO. 887 - Youghioghney Communications-Northeast, LLC d/b/a Pocket Communications petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to an existing telecommunications facility located at 150 North Main Street, Branford, Connecticut. Decision.**

Dr. Bell moved to approve the this petition with the following conditions:

- The tower shall be reinforced per page 5 of the structural analysis report dated December 4, 2008 and sealed by Joseph Pachicarah Jacobs, P.E. prior to the tower extension;
- Post-construction tower and foundation ratings of not more than 100 percent each shall be achieved; and
- A signed letter from a Professional Engineer shall be submitted to the Council to certify that the reinforcements were properly completed and post-construction tower and foundation ratings of not more than 100 percent each have been achieved.

The motion was seconded by Mr. Ashton. The motion passed unanimously.

**PETITION NO. 888 - The Connecticut Light and Power Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications of an existing single-circuit 115-kV transmission line (circuit #1860) between United Technologies/Pratt and Whitney Substation and Larson Junction in the Town of Southington, Connecticut. Decision.**

Mr. Wilensky moved to approve this petition, seconded by Mr. Heffernan. The motion passed unanimously.

**PETITION NO. 889 - Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the extension of an existing telecommunications facility located at 219 New Park Avenue, Hartford, Connecticut. Decision.**

Mr. Golembiewski moved to approve this petition with the following conditions:

- The tower shall be reinforced per page 5 of the structural analysis report dated January 28, 2009 and sealed by Michael Lassiter, P.E. prior to the tower extension;
- A post-construction tower rating of not more than 100 percent shall be achieved;
- A signed letter from a Professional Engineer shall be submitted to the Council to certify that the reinforcements were properly completed and a post-construction tower rating of not more than 100 percent has been achieved; and
- A construction grading plan shall be submitted to the Council prior to construction.

The motion was seconded by Mr. Ashton. The motion passed unanimously.

**TS-CING-116-090209 – New Cingular Wireless PCS, LLC request for an order to approve tower sharing at an approved telecommunications facility located at 165 Elmwood Hill Road, Putnam, Connecticut.**

Mr. Wilensky moved to approve this application for tower sharing, seconded by Dr. Bell. The motion passed unanimously.

### **Administrative Matters**

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled for Thursday, April 2, 2009, at 2:00 p.m., in Hearing Room One. Other calendar dates were also discussed.

**Adjournment.**

Chairman Caruso adjourned the meeting at 4:15 p.m.

**Respectfully submitted,**

**Daniel F. Caruso**  
**Chairman**

DFC/cm